





# The Shelby News.

AMERICANS SHALL RULE AMERICA.

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WEDNESDAY, JANUARY 9, 1856.

## President's Message.

Fellow-citizens of the Senate and House of Representatives:

The constitution of the United States provides that Congress shall assemble annually on the first Monday in December, and it has been usual for the President to make no communication of a public character to the Senate and House of Representatives until advised of their readiness to receive it. I have deferred to this usage until the close of the first month of the session, but my conviction of duty will not permit me to postpone the discharge of the obligation imposed upon me by the constitution until the President's message to the Congress in the first month of the session, and to recommend to their consideration such measures as he shall judge necessary and expedient.

It is a matter of congratulation that the Republic is tranquilly advancing in a career of prosperity and peace.

## Foreign Relations—Central America.

While relations of amity continue to exist between the United States and all foreign powers, with some of them grave questions are depending which may require the consideration of Congress.

Of such questions, the most important is that which has arisen out of the negotiations with Great Britain in regard to Central America.

By the convention concluded between the two governments on the 19th of April, 1850, both parties covenanted that neither party would "occupy, or fortify, or colonize, or assume, or exercise any dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America."

It was the understood understanding of the United States, in making this treaty, that all the present States of the former territory of each, would henceforth enjoy complete independence; and that both contracting parties engaged equally, and to the same extent, for the present and for the future; that if either then had any claim of right in Central America, such claim, and all occupation and authority under it, were unconditionally relinquished by the stipulations of the convention; and that no dominion was hereafter to be exercised or assumed in any part of Central America by Great Britain or the United States.

This government consented to restriction in regard to a region of country, where in we had specific and peculiar interests, only upon the conviction that the like restrictions were in the same sense obligatory to Great Britain. But for this understanding of the force and effect of the convention, it would never have been concluded by us.

So clear was this understanding on the part of the United States, that in correspondence contemporaneous with the ratification of the convention, it was distinctly expressed, that the mutual covenants of non-occupation were not intended to apply to the British establishment at the Belize.

This qualification is to be ascribed to the fact that, in virtue of successive treaties with previous sovereigns of the country, Great Britain had obtained a concession of the right to cut mahogany or dye-woods at the Belize, but with positive exclusion of all domain or sovereignty; and thus it confirms the natural construction and understood import of the treaty as to all the rest of the region to which the stipulations applied.

It, however, became apparent, at an early day after entering upon the discharge of my present functions, that Great Britain still continued in the exercise or assertion of large authority in all that part of Central America commonly called the Mosquito coast, and covering the entire length of the State of Honduras; and that she had for several years, exercised considerable insular power known as the Bay Islands, and belonging, of right, to that State.

All these acts or pretensions of Great Britain being contrary to the rights of Central America, and to the manifest tenor of her stipulations with the United States, as understood by this government, have been made the subject of negotiation through the American Minister in London. I transmit herewith the instructions to him on the subject, and the correspondence between him and the British Secretary for Foreign Affairs, by which you perceive that the two governments differ widely and irreconcilably as to the construction of the convention, and its effects on their respective relations to Central America.

Great Britain so construes the convention, as to maintain unchanged all her previous pretensions over the Mosquito coast, and in different parts of Central America. These pretensions are to the Mosquito coast, founded on the assumption of political rights, and to the Bay Islands, and the remainder of a tribe of Indians on that coast, entered into at the time when the whole country was a colonial possession of Spain. It cannot be successfully controverted, that by the public law of Europe and America, no possible set of such Indians or their predecessors could confer on Great Britain any political rights.

Great Britain does not allege the assent of Spain as the origin of her claims on the Mosquito coast. She has on the contrary, by repeated and successive treaties, renounced and relinquished all pretensions of her own, and recognized the full and sovereign rights of Spain in the most unequivocal terms. Yet these pretensions, so without solid foundation in the beginning, and thus repeatedly abjured, were, at a recent period, revived by Great Britain, against the Central American States, the legitimate successors of Spain in that region. They were first applied to a dinner given by the coast of Nicaragua, afterwards to the whole of the Atlantic coast, and lastly to a part of the coast of Costa Rica; and they are now reserved to this extent, notwithstanding engagements to the United States.

On the eastern coast of Nicaragua and Costa Rica, the interference of Great Britain, through exerted at one time in the form of military occupation, and at another, in the form of the appropriation of the peaceful possession of the appropriate authorities of the Central American States, is now presented by her as the rightful exercise of a protectorship over the Mosquito tribe of Indians.

But the establishment at the Belize, now reaching beyond its treaty limits into the State of Honduras, and that of the Bay Islands, appearing in the light of the same State, are as distinctly colonial governments as those of Jamaica or Canada, and therefore

contrary to the very letter and the spirit of convention with the United States, as it was at the time of ratification, and now is, understood by this government.

The interpretation which the British government has, in assertion and act, persisted in ascribing to the convention, entirely changes its character. While it holds us to our obligations, it in a great measure releases Great Britain from those which constituted the consideration of this Government for entering into the convention.

It is impossible, in my judgment, for the United States acquiesce in such a construction of the respective relations of the two Governments to Central America.

To a renewed call by this government upon Great Britain, to abide by, and carry into effect, the stipulations of the convention according to its obvious import, by withdrawing from the possession or colonization of portions of the Central American States of Honduras, Nicaragua, and Costa Rica, the British government has at length replied, affirming that the operation of the treaty is prospective only, and did not require Great Britain to abandon or contract any possessions held by her in Central America at the date of its conclusion.

The reply substitutes a partial issue, in the place of the general one presented by the United States. The British government passes over the question of the rights of Great Britain, real or supposed, in Central America, and assumes that she had such rights at the date of the treaty, and that these rights comprehended the protectorship of the Mosquito Indians, the extended jurisdiction and limits of the Belize, and the colony of the Bay Islands, and thereupon proceeds by implication to infer, that if the treaty be merely future in effect, Great Britain may still continue to hold the contested portions of Central America.

The United States cannot admit either the influences or the premises. We steadily insist, that, at the date of the treaty, Great Britain had any possessions there, other than the limited and peculiar establishment at the Belize, and maintain that, if she had any, they were surrendered by the convention.

This government, recognizing the obligations of the treaty, has of course desired to see it executed in good faith by both parties, and in the discussion, therefore, has not looked to rights, which we might assert independently of the treaty in consideration of our geographical position and other circumstances, which create for us relations to the Central American States, different from those of any government of Europe.

The British government, in its last communication, although well knowing the views of the United States, still declares that it sees no reason why a conciliatory spirit may not enable the two governments to overcome all obstacles to a satisfactory adjustment of the subject.

Assured of the correctness of the construction of the treaty constantly adhered to by this government, and resolved to insist on the rights of the United States, yet actuated also by the same desire, which is owned by the British Government, to remove all causes of serious misunderstanding between two nations associated by so many ties of interest and kindred, it has appeared to me proper not to consider an amicable solution of the controversy hopeless.

There is, however, reason to apprehend, that with Great Britain, an actual occupation of the disputed territories, and the treaty therefore practically null, so far as regards our rights, this international difficulty cannot long remain undetermined, without involving in serious danger the friendly relations, which it is the interest as well as the duty of countries to cherish and preserve. It will afford me sincere gratification, if future efforts shall result in the successful attainment heretofore with more confidence than the aspect of the case permits me now to entertain.

Recruitment.—One other subject of discussion between the United States and Great Britain, has grown out of the attempt to make the exigencies of the war in which she is engaged with Russia induced her to make, to draw recruits from the United States.

It is the traditional and settled policy of the United States to maintain impartial neutrality during the wars, which from time to time occur among the great powers of the world. Performing all the duties of neutrality towards the respective belligerent States, we may reasonably expect them not to interfere with our lawful enjoyment of its benefits. Notwithstanding the existence of such hostilities, our citizens retain the individual right to continue all their accustomed pursuits, by land or by sea, at home or abroad, subject only to such restrictions in this relation, as the laws of war, the usage of nations, or special treaties may impose; and it is our sovereign right that our territory and jurisdiction shall not be invaded by either of the belligerent parties, for the transit of their armies, the operations of their fleets, the levy of troops for their service, the fitting out of cruisers by or against either, or any other act or incident of war. And these undeniable rights of neutrality, individual and national, the United States will under no circumstances surrender.

In pursuance of this policy, the laws of the United States do not forbid their citizens to sell to either of the belligerent powers articles of contraband of war, or to take munitions of war or soldiers aboard their private ships for transportation; and although, in so doing, the individual citizen exposes his property or person to some of the hazards of war, his acts do not involve any breach of national neutrality, nor of themselves implicate the government.

Thus, during the progress of the present war in Europe, our citizens have, without national responsibility, sold powder, gunpowder and arms to all belligerents, regardless of the destination of those articles. Our merchants have been, and still continue to be, largely employed by Great Britain and by France in transporting troops, provisions and munitions of war to the principal seats of military operations, and in bringing home their sick and wounded soldiers; but such use of our mercantile marine is not interdicted either by the international, or our municipal law, and therefore does not compromise our neutral relations with Russia.

But our municipal law, in accordance with the laws of nations, peremptorily forbids, not only foreigners, but our own citizens, to fit out, within the limits of the United States, a vessel to commit hostilities against any State with which the United States are at peace, or to increase the force of any vessel intended for such hostilities against a friendly State.

Whatever concern may have been felt by either of the belligerent powers least privy to the responsibility of either, in the service of one might be fitted out in the ports of this country to deprive out of the property of the other, all such have proved to be utterly groundless. Our citizens have been with any such act or purpose by good faith and by respect for the law.

While the laws of the Union are so peremptory in their prohibition of the equipment or armament of belligerent cruisers in our ports, they provide not less absolutely that no person shall, within the territory or jurisdiction of the United States, enlist or enter himself, or hire or retain another person to enlist or enter himself, or to go beyond the limits or jurisdiction of the United States, with intent to be enlisted or entered, in the service of any foreign State, either as a soldier, or a mariner, or seaman, on board of any vessel of war, letter of marque, or privateer. And these enactments are in strict conformity with the laws of nations, which declares that no State has the right to raise troops for land or sea service, in another State, without its consent, and that whether forbidden by the municipal law or not, the very attempt to do it, without such consent, is an attack on the national sovereignty.

Such being the public rights and the municipal law of the United States, it is not surprising that the subject was retained by this government, when a year since the British Parliament passed an act to provide for the enlistment of foreigners in the military service of Great Britain. Nothing on the face of the act, or in its public history, indicated that the British government proposed to attempt recruiting in the United States; or did it ever give intimation of such intention to this government. It was a matter of surprise, therefore, to find, subsequently, that the engagement of persons within the United States to proceed to Halifax, in the British province of Nova Scotia, and there enlist in the service of Great Britain, was going on extensively with little or no disguise. Ordinary legal steps were immediately taken to arrest and punish parties concerned, and to put an end to the acts infringing the municipal law and derogatory to our sovereignty. Meanwhile suitable representations on the subject were addressed to the British government.

Thereupon it became known, by the admission of the British government itself, that the attempts to draw recruits from this country originated with it, or at least had its approval or sanction; but it also appeared that the public agents engaged in it had "stringent instructions" not to violate the municipal law of the United States.

It is difficult to understand how it should have been supposed that troops could be raised by Great Britain, without violation of the municipal law of the United States, and that the law was to prevent every such act, which, if performed, must be either in violation of the law, or in studied evasion of it; and, in either alternative, the act done would be alike injurious to the sovereignty of the United States.

In the meantime, the matter required additional importance, by the recruitments in the United States not being discontinued, and the disclosure of a fact that they were presented upon a systematic plan devised by official authority; that recruiting rendezvous had been opened in our principal cities, and a department of the British consuls established on our frontiers; and the whole business conducted under the supervision and the regular co-operation of British officers, civil and military, some in the North American provinces and some in the United States. The complexity of those officers in an undertaking which could only be accomplished by defying our laws, throwing suspicion over our attitude of neutrality, and disregarding our territorial rights, is conclusively proved by the evidence elicited on the trial of each of their agents as have been apprehended and convicted. Some of the officers thus implicated are of high official position, and many of them beyond our jurisdiction, so that legal proceedings could not reach the source of the mischief.

These considerations and the fact that the cause of complaint was not a mere casual occurrence, but a deliberate design, entered upon with a policy, and conducted by responsible public functionaries, impelled me to present the case to the British government, in order to secure not only a cessation of the wrong, but its reparation. The subject is still under discussion. The result of which will be communicated to you in due time.

British Relations.—I repeat the recommendation submitted to the last Congress, that provision be made for the appointment of a commissioner, in connexion with Great Britain, to survey and establish the boundary line, which separates the Territory of Washington from the contiguous British possessions. By reason of the dispute, there has been imminent danger of collision between the subjects of Great Britain and the citizens of the United States, including their respective authorities in that quarter. The prospect of a speedy arrangement has contributed hitherto to induce on both sides forbearance to assert by force such claims as a right. Continuance of delay on the part of the two governments to act in the matter will increase the danger and difficulties of the controversy.

Misunderstanding exists as to the extent, character, and value of the possessory rights of the Hudson's Bay Company and the property of the Puget's Sound Agricultural Company, reserved in our treaty with Great Britain relative to the Territory of Oregon. I have reason to believe that a cessation of the rights of both companies to the United States, which would be the readiest means of terminating all questions, can be obtained on reasonable terms; and with a view to this end, I present the subject to the attention of Congress.

The colony of Newfoundland, having enacted the laws required by the treaty of the 6th of June, 1854, is now placed on the same footing, in respect to commercial intercourse with the United States, as the other British North American provinces.

The commission, which that treaty contemplated, for determining the rights of fishery in rivers and mouths of rivers on the coast of the United States and the British North American provinces, has been organized and has commenced its labors to complete which there is needed further appropriations for the service of another season.

Sound Dues.—In pursuance of the authority conferred by a resolution of the Senate of the United States, passed on the 3d of March last, notice was given to Denmark, on the 14th day of April, of the intention of this government to avail itself of the stipulation of the subsisting convention of friendship, commerce, and navigation, between that Kingdom and the United States, whereby either party might, after ten years, terminate the same at the expiration of one year from the date of notice for that purpose.

The considerations which led me to call the attention of Congress to that convention, and induced the Senate to adopt the resolution referred to, still continue in full force. The convention contains an article, which, although it does not directly engage the United States to submit to the imposition of tolls on the vessels and cargoes of Americans passing into or from the Baltic Sea, during the continuance of the treaty, yet may, by possibility, be construed as implying such submission.

The exaction of those tolls not being justified by any principle of international law, it became the right and the duty of the United States to relieve themselves from the implication of engagement on the subject, so as to be perfectly free to act in the premises in such way as their public interest and honor shall demand.

I remain of the opinion that the United States ought not to submit to the payment of the Sound dues, not so much because of their amount, which is a secondary matter, but because it is in effect the recognition of the right of Denmark to treat one of the great maritime highways of nations as a close sea, and the navigation of it as a privilege for which tribute may be imposed upon those who have occasion to use it.

This government, on a former occasion not unlike the present, signaled its determination to maintain the freedom of the Baltic, and of the great natural channels of navigation. The Barbary States had, for a long time, coerced the payment of tribute from all nations, whose ships frequented the Mediterranean. To the last demand of such payment made by them, the United States, although suffering less by their depredations than many other nations, returned the explicit answer, we preferred war to tribute, and thus opened the way to the relief of the commerce of the world from an ignominious tax, so long submitted to by the more powerful nations of Europe.

If the manner of payment of the Sound dues differs from that of the tribute formerly conceded to the Barbary States, still their exaction by Denmark has no better foundation in right. Each was, in its origin, nothing but a tax on a common natural right, extorted by those who were at that time able to obstruct the free and secure enjoyment of it, but who no longer possess that power.

While, however, resisting our assertion of the freedom of the Baltic Sound and Belts, has indicated a readiness to make some new arrangement on the subject, and has invited the governments interested, including the United States, to be represented in a convention to assemble for the purpose of receiving and considering a proposition, which she intends to submit, for the capitalization of the Sound Dues, and the distribution of the sum to be paid as commutation for the government's consent, to the respective proportions of their maritime commerce to and from the Baltic. I have declined in behalf of the United States to accept this invitation, for the most cogent reasons. One is, that Denmark does not offer to submit to the convention the question of her right to levy the Sound dues.—A second is, that, if the convention were allowed to take cognizance of that particular question, still, it would not be competent to deal with the great international principle involved, and to settle the right in other cases of navigation and commercial freedom, as well as that of access to the Baltic. Above all, by the express terms of the proposition it is contemplated, that the consideration of the Sound dues shall be commingled with, and made subordinate to, a matter wholly extraneous, the balance of power among the governments of Europe.

While, however, rejecting this proposition, and insisting on the right of free transit into and from the Baltic, I have expressed to Denmark, a willingness, on the part of the United States, to share liberally with other powers in compensating her for any advantage, which commerce shall hereafter derive from expenditures made by her for the improvement and safety of the navigation of the Sound or Belts.

I lay before you, herewith, sundry documents on the subject, in which my views are more fully disclosed. Should no satisfactory arrangements be concluded, I shall again urge your attention to the subject, with recommendation of such measures as may appear to be required in order to assert and secure the rights of the United States, so far as they are affected by the pretensions of Denmark.

France.—I announce with great gratification, that, since the adjournment of the last Congress, the question, then existing between this government and that of France, respecting the French consul at San Francisco, has been satisfactorily determined, and that the relations of the two governments continue to be of the most friendly nature.

A question, also, which has been pending for several years between the United States, and the Kingdom of Greece, growing out of the sequestration, by public authorities of that country, of property belonging to the present American Consul at Athens, and which had been the subject of very earnest discussion heretofore, has recently been settled to the satisfaction of the party interested and of both governments.

Spain.—With Spain, peaceful relations are still maintained, and some progress has been made in securing the redress of wrongs complained of by this government. Spain has not only discovered and disapproved the conduct of the officers who illegally seized and detained the steamer Black Warrior at Havana, but has also paid the sum claimed as indemnity for the loss thereby incurred by citizens of the United States.

In consequence of a destructive hurricane, which visited Cuba in 1854, the supreme authority of that island issued a decree permitting the importation, for the period of six months, of certain building materials and provisions, free of duty, but reserving to the United States the right to have elapsed, to the injury of the citizens of the United States, who had proceeded to act on the faith of that decree. The Spanish government refused indemnification to the parties aggrieved until recently when it was assented to, payment being promised to be made as soon as the amount due can be ascertained.

Satisfaction claimed for the arrest and search of the steamer El Dorado, has not yet been recorded, but there is reason to believe that it will be, and that case, with others, continues to be urged on the attention of the Spanish government. I do not abandon the hope of concluding with Spain some general arrangement, which, if it does not wholly prevent the recurrence of difficulties in Cuba, will render them less frequent, and whenever they shall occur facilitate their more speedy settlement.

Mexico.—The interposition of this government has been invoked by many of the citizens, on account of injuries done to their persons and property, for which the Mexican government is responsible; and the unhappy situation of the country for some time past, has not allowed its government to give due consideration to claims of private reparation, and has appeared to call for and justify some forbearance in such matters on the part of this government. But if the revolutionary movements which have lately occurred in that republic, and in the organization of a stable government, urgent appeals to its justice will then be made, it may be hoped, with success, for the redress of all complaints of our citizens.

Central America.—In regard to the American republics, which, from their proximity and other considerations, have peculiar relations to this government, while it has been a constant aim strictly to observe all the obligations of political friendship and good neighborhood, obstacles to this have arisen in some of them, from their own insubordinate power to check lawless cruises which in effect throw some of the task on the United States. Thus it is that the distracted internal condition of the State of Nicaragua has made it incumbent on me to appeal to the good faith of our citizens to abstain from unlawful interference in its affairs, and to adopt preventive measures for the same end, which, on a similar occasion, had the best results in re-assuring the peace of the Mexican States of Sonora and Lower California.

Treaties.—Since the last session of Congress a treaty of amity, commerce, and navigation, and for the surrender of fugitive criminals, with the Kingdom of the Two Sicilies, a treaty of friendship, commerce, and navigation with the Kingdom of the Two Sicilies, and a treaty of friendship, commerce, and navigation with the Kingdom of the Two Sicilies, have been negotiated. The latter kingdom, and the State of Nicaragua, have also acceded to a declaration, recognizing as international rights the principles contained in the convention between the United States and Russia, of the 23d of July, 1854. These treaties and conventions will be laid before the Senate for ratification.

The statements made in my last annual message, respecting the anticipated receipts and expenditures of the Treasury, have been substantially verified.

It appears from the report of the Secretary of the Treasury, that the receipts during the last fiscal year, ending June 30, 1855, from all sources, were sixty-five million three hundred and thirty thousand three hundred and thirty-three dollars; and that the public expenditure for the same period, exclusive of payments on account of the public debt, amounted to fifty-eight million three hundred and thirty-three thousand three hundred and thirty-three dollars. During the same period the payments in redemption of the public debt, including interest and premium, amounted to nine million eight hundred and forty-four thousand five hundred and twenty-eight dollars.

The balance in the Treasury at the beginning of the present fiscal year, July 1, 1855, was eighteen million three hundred and thirty-three thousand three hundred and thirty-three dollars; the receipts for the first quarter, and the estimated receipts for the remainder of the year, to the amount of \$67,000,000; thus affording a total of \$85,333,333. The balance in the Treasury on July 1, 1856, of \$15,625,000, \$63,708,333.

If to the actual expenditures of the first quarter of the current fiscal year, be added the estimated expenditures for the remaining three quarters, as estimated by the Secretary of the Treasury, the sum total will be \$71,250,000, leaving a balance of \$14,483,333 in the Treasury on July 1, 1856, of \$15,625,000, \$63,708,333.

In the above estimated expenditures of the present fiscal year are included \$3,000,000 to meet the last installment of the \$10,000,000 provided for in the late treaty with Mexico, and appropriated on account of the debt due to Texas, which two sums make an aggregate amount of \$10,750,000, and the balance of the year, to the amount of \$14,483,333, leaving a balance of \$14,483,333 in the Treasury on July 1, 1856, of \$15,625,000, \$63,708,333.

The amount of the public debt, at the commencement of the present fiscal year, was \$40,553,441, and deduction being made of subsequent payments, the whole public debt of the federal government remaining at this time is less than \$40,000,000.

The amount of certain government stocks, amounting to \$243,000, referred to in my last message as outstanding, has since been paid.

I am fully persuaded that it would be difficult to devise a system superior to that, by which the fiscal business is now conducted. Notwithstanding the great number of fiscal duties of collection and disbursement, it is believed that the check and guarantee provided, including the requirement of monthly returns, renders it scarcely possible for any considerable part of the public debt to be fraudulently or carelessly paid, to escape detection. I rely, however, the recommendation, heretofore made by me, to the effect of requiring the termination of their services, to deliver to their successors all books, records, and other objects of public nature in their custody.

Derived, as public revenue is, in chief part, from duties on imports, its magnitude affords a gratifying evidence of the industry and enterprise of our people, and of the other great sources of revenue which are the result of the great industry and enterprise of our people.

The principle that all money required for the current expenses of the government should remain for active employment in the hands of the people, and the conspicuous fact that the annual revenue from all sources exceeds the annual expenditures of the government, has been a subject of constant and anxious consideration, and it is believed that the check and guarantee provided, including the requirement of monthly returns, renders it scarcely possible for any considerable part of the public debt to be fraudulently or carelessly paid, to escape detection. I rely, however, the recommendation, heretofore made by me, to the effect of requiring the termination of their services, to deliver to their successors all books, records, and other objects of public nature in their custody.

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Henry F. Middleton, Editor and Proprietor

WEDNESDAY, JANUARY 9, 1856.

Thomasson Council, No. 159.

Of the American Order, meets in the Court House, every Thursday night, at 7 o'clock.

At Public Sale.

January 14: Negroes by Commissioner Bohannon.

January 22: Personal Property of William Wilson.

At Private Sale.

January 14: Farm of R. W. Parrish.

January 22: Farm of W. A. Jones.

At Public Sale.

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Shelby College.—We observe by the

Legislative proceedings, that on the 3rd

instant, the Senator from this District, Wil-

liam C. Bullock, Esq., asked leave to

bring in a bill for the benefit of Shelby

College.

Though recently our relations with this

institution have been far from intimate,

we have never ceased to take a lively

interest in its success. We have de-

sired, and that earnestly, as every citizen

of Shelby should, that it might be placed

on such a basis, as would secure a per-

manent College of the highest order for the

education of our youth. Its present almost

hopeless condition, is, in a great measure,

attributable to a piece of hasty and ill-

advised legislation, by which great injus-

tice has been done to the College and this

community. The object of the bill proposed

by our able Senator, is, in some measure,

to repair the injury done by a former act.

At the session of 1835-36 was passed

the act incorporating Shelby College.—At

the next session a Lottery was established,

for the purpose of erecting the necessary

academic buildings. From that lottery the

act contemplated the raising of one hundred

thousand dollars.—By the terms of the

act of incorporation the College had the

right to run that lottery until such sum

was secured.—Not one-fourth of the amount

has yet been obtained. Yet the College is

now encumbered, as we understand, with

a debt of between \$40,000 and \$45,000

incurred in the erection of suitable build-

ings. And we would here remark, that

there is not, in the State of Kentucky,—

indeed, we doubt if there is in the West,

a more elegant, commodious, or convenient

academic structure. The Astronomical Ob-

servatory is fitted up with one of the best

instruments in the Union. If freed from

debt, so that the proceeds of the institution

could be applied to the employment of a

competent corps of Professors, it would be

one of the most popular and effective Col-

leges, and an honor to the Commonwealth.

So long as it is encumbered by the present

debt, all its advantages are utterly unavai-

lable. Its resources are so crippled, that

the purposes of the original act of the

Legislature, incorporating the institution,

can never be carried out.

But all this would, in course of time,

have been accomplished, if the lottery grant

—on the faith of which these improvements

were made, and the debt incurred—had

not been disturbed. Unfortunately, and

most unjustly, as we think, in the general

act abolishing lotteries,—article 21 of Re-

vised Statutes,—no exception was made in

favor of the Shelby College grant: it went

by the board, so far as legislative action

could effect it. Nor, until a long and te-

ditious course of litigation has been pur-

sued, could this grant now be made avail-

able to the College,—though we hold, that

the act was unconstitutional,—being *ex post*

facto, and striking at vested rights, es-

tablished upon the faith of former legisla-

tion on this subject. According to the terms

of the original grant, the College has yet a

right to run that lottery, until about the sum

of eighty thousand dollars is obtained; and

which, by the slow process of that grant—sup-

posed to it to work with no more efficiency

than formerly, would require about seventy-

five years to create that amount of money.

Now, we understand, that the Board of

Trustees of our Town,—upon whom devol-

ves the duty of providing for the main-

tenance of a collegiate course of instruc-

tion at this institution, according to the

terms of an act of the General Assembly

of Kentucky, passed at the session of 1840

'41,—have requested our Senator and

Representatives to present to the Legisla-

ture a bill, establishing a lottery grant, in

lieu of the one repealed by the Revised

Statutes, which will be adequate to the

discharge of the debt now encumbering

the College; and to expire at the end of

fifteen years. We also understand, that

all parties connected with the College are

willing to compromise, what they hold to

be their constitutional rights under the for-

mer grant, in the passage of this. We also

learn, that the details of the bill are super-

ior to any act passed in this State, so far

as protecting the proceeds and preserving

them from being dissipated, is concerned;

and also providing against fraud in work-

ing the scheme. It is, also, beneficial to

the State, in securing to the treasury a

liberal revenue. The bill, under the pecu-

liar circumstances of the case, we heartily

approve.

We know, that there is a sentiment

as decidedly as any one. But, when the

original act was passed, no such sentiment

existed. It was then the approved method

of raising funds for Colleges, and many

other enterprises. The virtuous and the

wise used them as a means to obtain funds

for public benefactions. Union College,

and many others, that we could name,

secured the erection of their buildings

by means of lottery schemes; and also,

to some extent, their endowments. But,

above all, under this act, and on the

plighted faith of the State, money has been

invested in Shelby College, and onerous

debts incurred. Now, it is just, to take

away that resource, which was once granted

for this purpose, after the improvements

have been made on its faith? We hold

that it is not.—A greater wrong is per-

petrated, by such an act of legislation, than

the establishment of an hundred lotteries.

It is a private wrong—a public wrong.—

It is wrong in principle; it is wrong in

the particular instance; and wrong in

precedent. The same argument that jus-

tifies such legislation, sustains the repudi-

ation of Mississippi and Pennsylvania. In

fact, it is the same,—viz: that the Legisla-

ture having once committed an error, must

correct it by committing a still greater.

We cannot understand such ethics.

But, even if it is desired to yield to the

general sentiment of hostility to lottery

grants, the Legislature will more effectual-

ly do it, by passing the act proposed, than

by rejecting it: For, if this proposed com-

promise of the College is not accepted, of

course, application will be made to the

Courts, to sustain the former grant; and

that application will be successful, as we

believe. In this event, the State will have

a lottery for some seventy-five years; where-

as the grant now proposed will expire at

the end of fifteen.

We claim at the hands of the Legislature

some consideration. Shelby county, al-

though one of the largest tax-paying coun-

ties, has participated to a very inconsid-

erable extent in the special legislation of

the State. Indeed, we believe the original

lottery grant we have been discussing, is

the only instance where the State has lent

its influence or aid to any of our enterpr-

ises. And even this, it would seem, is to

be retracted. Frankfort owned a similar

grant, which was abrogated by the Revised

Statutes; but the Legislature, out of a sense

of justice, restored it;—or gave one in

lieu of it, which answered their purposes.

We now only ask the same justice at the

hands of our Senators and Representatives.

RELIGIOUS NOTICE.

JAMES EDMUNDS, Corresponding Secretary

of the Bible Revision Association, will

lecture on the Revision of the English

Scriptures, at Salem Meeting House,

Shelby county, Ky., on the third

Sunday in January, 1856. Friends in that

neighborhood will please circulate the

information.

A Frankfort Correspondent.—We have

secured, at least temporarily, the services

of an able writer, and a man of talent, as

a correspondent from Frankfort. His first

letter will appear in our next issue.

FANATICISM.—At New Haven, Conn.,

a woman, named WAKEMAN, proclaims

herself a prophetess; and by her instiga-

tion a man has been inhumanly murdered,

to prevent, as she said, the destruction of

the world.

Capt. G. R. DAVIDSON, of Frank-

fort, died recently in Nicaragua, where

he commanded a company of filibusters

under Gen. WALKER. He was one of the

bravest of the brave.

No Speaker.—At least there had been

no election up to the hour of adjournment,

last Saturday; and no appearance of com-

ing to terms.

Sales of Real Estate.—R. T. ROSS,

Esq., has sold his Farm, containing 300

acres, and situate some three-fourths of

a mile south of town, to Mr. JOSEPH HALL

of this place, at \$70 per acre, on terms

equivalent to cash down.

Mr. JOSEPH HALL has sold to R. T.

ROSS, Esq., his Residence on Main, be-

tween Eighth and Ninth streets, for \$4,500

cash.

The Residence of Mrs. LANE, on the

corner of Main and Sixth streets, has been

purchased by Mr. JOHN C. PERRY, for \$3,

000.

J. H. WILSON, Esq., has purchased the

Farm of Dr. W. J. MORTON, lying on Mul-

berry creek, three miles north east from

town, and containing 205½ acres, at \$65

per acre cash.

The late cold snap seems to have

been general. At New Orleans the ther-

момeter was twenty-four, and at Vicks-

burg it got down to fourteen degrees

above zero. At Washington, Baltimore,

Philadelphia, New York, &c., snow fell

last Saturday.

Mr. FULLER.—THE SPEAKERSHIP.—In

reference to Mr. FULLER, one of the can-

didates for Speaker of the U. S. House

of Representatives, the Sussex (Va.) Herald

(Dem.) says:

"We have one word to say about him!

If our own candidate cannot be elected,

(Mr. Richardson), no man of the opposition

would better fill the chair than Fuller. We

know him well. He was our room-mate

at Princeton, and we know that he has

been what he is now—a straight-out

Whig—an honorable, liberal opponent, en-

dowed with talent and high-toned cour-

tesy—and such a man we would prefer to

have as a trucking man, or a sneaking fac-

tionist. We therefore trust, that if one of

the opposition is to be selected, it may be

Henry M. Fuller, of Pennsylvania."

Spurious Bank Notes.—From the

Frankfort Commonwealth of Saturday last

we take the following:

"We have been shown an ingeniously

contrived specimen of a bank note, made

up of parts of different notes. It is well

calculated to deceive. Recently a practice

has been observed of taking out an irreg-



